REMARKS

Claims 4, 5, 7, 8, and 11-19 are pending in the present application.

At the outset, Applicants wish to thank Examiner Jones for the helpful and courteous discussion with their undersigned Representative on November 9, 2004. During this discussion, various amendments and arguments to address the outstanding rejections were discussed. The content of this discussion is believed to be reflected in the present response.

The rejection of Claims 4-6, 9, and 10 under 35 U.S.C. 102(b) over Cheng et al (XP-002219274) is obviated by amendment.

Cheng et al is cited as disclosing chlorogenic acid, methyl caffeate, five caffeoylquinic acids which "at higher doses possessed the delay hypotensive effect." Applicants make no statement as to the propriety of the Examiner's position of obviousness of the claimed method for treating hypertension. However, Applicants note that the claims have been amended to remove "an ester bond residue" from R^3 and, thus, Cheng et al no longer discloses or suggests a compound within the scope of formula (1) appearing in the claims, much less a method of treating hypertension by administering the same.

In view of the foregoing, Applicants request withdrawal of this ground of rejection.

The rejections of Claim 4 under 35 U.S.C. §102(b) over Okawa et al (EP 1 172 112 A2) and of Claims 4-19 over Okawa et al (EP 1 172 112 A2) in view of Cheng et al (XP-002219274), is respectfully traversed on the ground that Okawa et al (EP 1 172 112 A2), is not prior art against the present application.

At the outset, Applicants note that Okawa et al (EP 1 172 112 A2) cannot be used to support a rejection under 35 U.S.C. §102(b) as the present application is a continuation of

U.S. 10/161,739, which was filed on June 5, 2002, which is less than one year after publication of Okawa et al (EP 1 172 112 A2), which occurred on January 16, 2002. Therefore, at best, Okawa et al (EP 1 172 112 A2) is available under 35 U.S.C. §102(a). However, Okawa et al (EP 1 172 112 A2) is not even available under this section, as it does not qualify as prior art.

Okawa et al (EP 1 172 112 A2) was published on January 16, 2002. The present application is a continuation of U.S. 10/161,739, which was filed on June 5, 2002, and claims priority to JP2001-169261, filed on June 5, 2001. To perfect their claim of priority to JP2001-169261, Applicants **submit herewith** a certified English translation of JP2001-169261. Applicants request that the Examiner acknowledge entitlement of the present application to the benefit of an earlier filing date provided by the claim to priority to JP2001-169261, which is more than seven months prior to publication of Okawa et al (EP 1 172 112 A2). In view of the foregoing, Applicants submit that Okawa et al (EP 1 172 112 A2) is not prior art against the present claims this rejection should be withdrawn.

Acknowledgment that this ground of rejection has been withdrawn is requested.

Finally, Applicants respectfully request that the provisional obviousness-type double patenting rejections over U.S. 09/944,079, U.S. 10/192,075, and U.S. 10/626,708, as well as the obviousness double patenting rejection over U.S. 6,458,392, be held in abeyance until an indication of allowable subject matter in the present application. If necessary, a terminal disclaimer may be filed at that time. Until such a time, Applicants make no statement with respect to the propriety of this ground of rejection. However, Applicants remind the Examiner that MPEP §804 states:

> If the "provisional" double patenting rejections in both applications are the only rejections remaining in those applications, the examiner should then

> withdraw that rejection in one of the applications (e.g., the application with the earlier filing date) and permit the application to issue as a patent. The examiner should maintain the double patenting rejection in the other application as a "provisional" double patenting rejection which will be converted into a double patenting rejection when the one application issues as a patent.

Accordingly, if the present amendment places the elected claims in condition for allowance, Applicants note that the provisional obviousness-type double patenting rejection over U.S. 09/944,079, U.S. 10/192,075, and U.S. 10/626,708 should be withdrawn if these applications are not in condition for allowance.

Applicants submit that the present application is now in condition for allowance. Early notification of such action is earnestly solicited.

Respectfully submitted,

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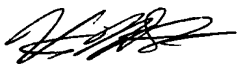

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